

# EXHIBIT A

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IN THE THIRD DISTRICT COURT, WEST JORDAN DEPARTMENT  
IN AND FOR THE COUNTY OF SALT LAKE, STATE OF UTAH

THE STATE OF UTAH  
Plaintiff,

vs.

**JOSHUA SCOTT CHATWIN**  
**DOB: 01/29/1982,**  
**12534 South 150 East**  
**Draper, UT 84020**  
OTN  
SO# 249863  
Defendant.

Screened by: CATHERINE BROWN  
Assigned to: WEST JORDAN TO BE  
ASSIGNED  
DAO# 10017641

Bail: \$50,000  
Warrant/Release: Non-Jail

**INFORMATION**

Case No.

*101401517*

The undersigned C. Fackrell - Draper City Police Department, Agency Case No. 2010-003060, upon a written affidavit states on information and belief that the defendant, JOSHUA SCOTT CHATWIN, committed the crime of:

COUNT 1

DISARMING A PEACE OFFICER, (1185) 76-5-102.8 UCA, first degree felony, as follows:

/ That on or about May 18, 2010 at 12534 South 150 East, in Salt Lake County, State of Utah the defendant did intentionally take or remove, or attempt to take or remove, a firearm from the person or immediate presence of a person he knew was a peace officer:

- (1) without the consent of the peace officer; and
- (2) while the peace officer was acting within the scope of his authority as a peace officer.

COUNT 2

/ ASSAULT BY A PRISONER, (9) 76-5-102.5 UCA, third degree felony, as follows: That on or about May 18, 2010 at 12534 South 150 East, in Salt Lake County, State of Utah the defendant was a prisoner and assaulted another intending to cause bodily injury.

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COUNT 3

DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS, (2254) 41-6a-502 UCA, class B misdemeanor, as follows: That on or about May 18, 2010 at 12534 South 150 East, in Salt Lake County, State of Utah the defendant did operate or was in actual physical control of a vehicle, and

(i) had sufficient alcohol in the defendant's body that a subsequent chemical test showed that the defendant had a blood or breath alcohol concentration of .08 grams or greater at the time of the test;

(ii) was under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree which rendered the defendant incapable of safely operating a vehicle; or

(iii) had a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control.

COUNT 4

INTERFERENCE WITH ARRESTING OFFICER, (69) 76-8-305 UCA, class B misdemeanor, as follows: That on or about May 18, 2010 at 12534 South 150 East, in Salt Lake County, State of Utah the defendant did have knowledge, or by the exercise of reasonable care should have knowledge, that a peace officer was seeking to effect a lawful arrest or detention of the defendant or another and interfered with the arrest or detention by:

(1) the use of force or any weapon;

(2) the arrested person's refusal to perform any act required by lawful order:

(a) necessary to effect the arrest or detention; and

(b) made by a peace officer involved in the arrest or detention; or

(3) the arrested person's or another person's refusal to refrain from performing any act that would impede the arrest or detention.

COUNT 5

DRIVING ON SUSPENDED OR REVOKED OPERATOR'S LICENSE (ALCOHOL RELATED), (113) 53-3-227(3)(a) UCA, class B misdemeanor, as follows: That on or about May 18, 2010 at 12534 South 150 East, in Salt Lake County, State of Utah the defendant did drive any motor vehicle upon the highways of this state while the defendant's driving privilege was denied, suspended, disqualified or revoked for (i) refusing to submit to a chemical test under Utah Code Ann. § 41-6a-520; (ii) violating Utah Code Ann. § 41-6a-502; (iii) violating a local ordinance that complies with the requirements of Utah Code Ann. § 41-6a-510; (iv) violating Utah Code Ann. § 41-6a-517; (v) violating Utah Code Ann. § 76-5-207; (vi) committing a criminal action that the defendant plead guilty to as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances under Utah Code Ann. § 53-3-227(3); (vii) a revocation or suspension which has been extended under Utah Code Ann. § 53-3-220(2); or (viii) a disqualification that is the result of driving a commercial motor vehicle while the person's CDL is disqualified, suspended, canceled, or revoked under Utah Code Ann. § 53-3-414(1).

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COUNT 6

ALCOHOL RESTRICTED DRIVER, (2559) 41-6a-530 UCA, class B misdemeanor, as follows: That on or about May 18, 2010 at 12534 South 150 East, in Salt Lake County, State of Utah the defendant was an alcohol restricted driver and did operate or was in actual physical control of a vehicle with any measurable or detectable amount of alcohol in the defendant's body.

COUNT 7

OPERATING OR BEING IN ACTUAL PHYSICAL CONTROL OF A VEHICLE WITHOUT AN IGNITION INTERLOCK SYSTEM, (2575) 41-6a-518.2(3) UCA, class B misdemeanor, as follows: That on or about May 18, 2010 at 12534 South 150 East, in Salt Lake County, State of Utah the defendant was an interlock restricted driver that operated or was in actual physical control of a vehicle in this state without an ignition interlock system.

THIS INFORMATION IS BASED ON EVIDENCE OBTAINED FROM THE FOLLOWING WITNESSES:

C. Fackrell, J. Barnes, Heather Baugh, C. Carpenter, T. Crane, D. Harris, Jenessa Huff, K. Imig, R. Jackson, Heidi Merrin, Steven Merrin, J. Patterson, Jason Scott, Kathy Torrence

AFFIDAVIT OF PROBABLE CAUSE:

Your affiant bases this Information on the following:

The statement of Draper City Police Officer D. Harris that on or about May 18, 2010, he responded to a complaint about an intoxicated person at the liquor store in Draper, Salt Lake County, who left the scene in a white Honda, Utah plate 031NYH. Officer Harris located the vehicle nearby and made contact after it pulled into a driveway at 12534 South 150 East, Salt Lake County. The driver, who smelled strongly of an alcoholic beverage, presented an ID card which identified him as JOSHUA SCOTT CHATWIN. CHATWIN produced several papers from the glove box and was unable to ascertain which papers were his registration and insurance papers. CHATWIN performed poorly on field sobriety tests, refused to submit to a portable breath test and was arrested for DUI.

The statement of Officer Patterson that he arrived on scene to assist and noticed that CHATWIN'S speech was very slurred and slow. While field sobriety tests were being administered, CHATWIN became increasingly agitated and aggressive. Officer Harris arrested

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CHATWIN and as Officer Harris prepared his patrol vehicle for transport of the defendant, Officer Patterson conducted a search incident to arrest. During the search, CHATWIN pulled his arms away from the officer, tried to walk away, squirmed and pulled against the officer, despite several commands to stop. CHATWIN was able to unlock the retention lock on the officer's weapon holster and place his right hand on the officer's firearm. CHATWIN arched his back and swung his head back towards Officer Patterson's face, attempting to head-butt him. Officer Patterson was eventually able to subdue the defendant. Officers obtained a warrant for a blood draw on the defendant and a sample was obtained. CHATWIN'S Utah driver license was revoked for alcohol reasons, he is an alcohol-restricted driver and he is required to have an interlock device in his vehicle.

The statement of Tiffany Berardi of the Bureau of Forensic Toxicology that the defendant's blood alcohol level was .28.


Pursuant to Utah Code Annotated § 46-5-101 (2007) I declare under criminal penalty of the State of Utah that the foregoing is true and correct to the best of my belief and knowledge.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
C. FACKRELL  
Affiant

Authorized for presentment and filing

LOHRA L. MILLER, District Attorney

  
Deputy District Attorney  
30th day of June, 2010  
LMA / GAM / DAO # 10017641